

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

IN RE:

Case No. 9:11-bk-07437-BSS

PETER T. DVORAK,

Chapter 7

Debtor.

**STEVEN ILTZ, JAMES RANDEL, III AND MIS VIDAS
TRUST'S AND CITISTIC RESOURCES, LLC'S MOTION
FOR RECONSIDERATION OR TO VACATE ORDERS ON
MOTION TO LIFT STAY DATED AUGUST 19, 2011 AND AUGUST 31, 2011**

COME NOW STEVEN ILTZ, JAMES RANDEL, III and MIS VIDAS TRUST and CITISTIC RESOURCES, LLC, by and through the undersigned attorney, and file this Motion for Reconsideration or to Vacate Orders on Motion to Lift Stay dated August 19, 2011 (Docket #67) and August 31, 2011 (Docket #70), and as grounds therefore would state as follows:

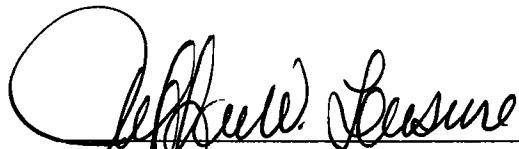
1. On April 20, 2011, the Debtor, PETER T. DVORAK, filed a Voluntary Bankruptcy Case under Chapter 7 of the Bankruptcy Code.
2. Diane L. Jensen has been appointed the Bankruptcy Trustee.
3. On July 7, 2011, STEVEN ILTZ, JAMES RANDELL, III and MIS VIDAS TRUST filed a Verified Motion for Relief from Stay (Docket #38). On July 18, 2011, CITISTIC RESOURCES, LLC filed a Verified Motion for Relief from the Automatic Stay (Docket #51). Both Motions sought relief from the automatic stay to file suit against the Debtor in Federal or State Court in Oregon for, *inter alia*, the entry of a Final Judgment pursuant to 11 USC §523(a)(19).
4. On August 19, 2011 (Docket #67) and August 31, 2011 (Docket #70), this Honorable Court entered Orders on Motion for Relief from Stay based on the fact that no

Order was entered within the 30 days from the date of the Motions to extend the automatic stay as required by Section 362(c)(1) of the Bankruptcy Code and lifted the stay to seek *in rem* relief, specifically prohibiting STEVEN ILTZ, JAMES RANDELL, III and MIS VIDAS TRUST and CITISTIC RESOURCES, LLC from seeking an *in personam* judgment against the Debtor.

5. STEVEN ILTZ, JAMES RANDEL, III and MIS VIDAS TRUST and CITISTIC RESOURCES, LLC are seeking relief from the automatic stay to file suit against the Debtor in Federal or State Court in Oregon pursuant to 11 USC §523(a)(19).

WHEREFORE, STEVEN ILTZ, JAMES RANDEL, III and MIS VIDAS TRUST and CITISTIC RESOURCES, LLC respectfully request that this Honorable Court enter an Order reconsidering the Orders or vacating on Motion to Lift Stay, granting the Motions to allow STEVEN ILTZ, JAMES RANDEL, III and MIS VIDAS TRUST and CITISTIC RESOURCES, LLC to seek *in personam* relief against the Debtor in the Federal or State Court in Oregon pursuant to 11 USC §523(a)(19), and for such other and further relief as this Honorable Court may deem just and proper.

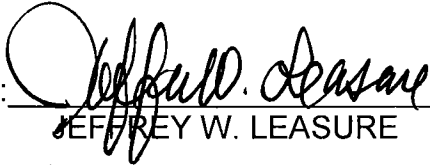
DATED this 6th day of September, 2011.



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FLORIDA BAR NO. 348287
JEFFREY W. LEASURE, P.A.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been furnished by U.S. Mail or Electronically to Peter T. Dvorak, P.O. Box 1425, Naples, FL 34106; Monique Hayes, Esq., Genovese, Joblove & Battista, PA, 100 Southeast 2nd Street, Suite 4400, Miami, FL 33131; Diane L. Jensen, Trustee, P.O. Drawer 1507, Fort Myers, FL 33902; United States Trustee – EFM7, Timberlake Annex, Suite 1200, 501 E. Polk Street, Tampa, FL 33602; on this 07th day of September, 2011.

By: 
JEFFREY W. LEASURE